

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

DEC 22 2022

NATHAN OCHSNER
CLERK OF COURT

UNITED STATES OF AMERICA §

vs. §

CRIMINAL NO. **B 2 2 - 1 1 4 9**

JOSE EDUARDO CRUZ-CASTILLO §
AURELIANO GARCIA-MARTINEZ

INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment:

1. The Export Administration Regulations ("EAR"), codified at Title 15, Code of Federal Regulations, Section 730, *et seq.*, are the rules by which the United States Department of Commerce regulates and controls exports of goods from the United States.
2. The EAR lists the goods and technology subject to control on the Commerce Control List ("CCL"), codified at Title 15, Code of Federal Regulations, Section 774.
3. Firearms are designated as controlled goods in Section 774, Supplement 1 of the CCL.
4. Ammunition is designated as a controlled good in Section 774, Supplement 1 of the CCL.
5. According to Section 736.2 of the EAR a person may not export any item subject to the EAR to another country if the destination country requires a license for export.
6. Exportation of firearms and ammunition to Mexico requires a license.
7. Defendant JOSE EDUARDO CRUZ-CASTILLO did not have a license or any authority to export firearms or ammunition out of the United States to Mexico.
8. Defendant AURELIANO GARCIA-MARTINEZ did not have a license or any authority to export firearms or ammunition out of the United States to Mexico.

9. The penalty provisions of the EAR are in the Export Control Reform Act ("ECRA"), codified at Title 50, United States Code, Chapter 58, Section 4819.

COUNT ONE

On or about December 4, 2022, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

JOSE EDUARDO CRUZ-CASTILLO

and

AURELIANO GARCIA-MARTINEZ,

did willfully and knowingly export and send, and attempted to export and send from the United States; and facilitated the transportation, concealment, or sale of certain merchandise, article or object, knowing the same to be intended for exportation from the United States; to wit: one Springfield 1911 9mm pistol, one Colt Commander .38 super caliber pistol, two 9mm caliber magazines, and two .38 super caliber magazines, to Mexico without a license or authorization for such export, contrary to Title 50, United States Code, Section 4819 and Title 15, Code of Federal Regulations, Sections 736.2(b)(1) and 774, a law and regulation of the United States.

In violation of Title 18, United States Code, Sections 554 and 2.

NOTICE OF CRIMINAL FORFEITURE

18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)

Upon conviction of the offense set forth in Count One of this Indictment, Defendants, **JOSE EDUARDO CRUZ-CASTILLO** and **AURELIANO GARCIA-MARTINEZ**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in, used, or intended to be used in the commission of such offense, including, but not limited to, the following:

1. PISTOL, MNF: Springfield, MODEL: 1911, CAL: 9mm, SN: LW131620;
2. PISTOL, MNF: Colt, MODEL: Commander, CAL: .38 super, SN: 35901LW; and
3. MAGAZINES: two 9mm caliber and two .38 super caliber.

Money Judgment

In the event of conviction, the United States may seek a money judgment.

Substitute Property

If any of the property described above, as a result of any act or omission of Defendant:

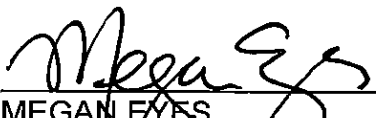
- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY



MEGAN EYLES
Assistant United States Attorney